

### **R E M A R K S**

Careful review and examination of the subject application are noted and appreciated.

Please cancel claims 54, 67 and 86-95 without prejudice. Please add new claims 96-115. Claims 48, 50-52, 54-62, 64-65, 68-79, 81-84 and 96-115 are pending in this application.

### **SUPPORT FOR CLAIM AMENDMENTS**

Support for the amendments to claims 48, 51, 62, 75 and 81 is found at column 2, lines 63-67, column 3, lines 10-12 and 15-18, column 4, lines 9-11, and column 6, lines 3-4 and 8-18 of the specification. Support for new claims new claims 96, 100, 104, 108 and 112 is found at column 3, lines 28-29. Support for new claims 97, 101, 105, 109 and 113 is found at column 3, lines 53-54 and 62-63. Support for new claims 98, 102, 106, 110 and 114 is found at column 5, lines 23-30. Support for new claims 99, 103, 107, 111 and 115 is found at column 2, lines 18-20. No new matter has been added.

### **CLAIM REJECTIONS UNDER 35 U.S.C. §112**

The rejection of claims 48, 50-52, 54-62, 64, 65, 67-79, 81-84 and 86-95 under 35 U.S.C. §112, first paragraph, has been obviated by amendment and should be withdrawn. The recitations alluded to by the Office have been removed from the claims.

### **CLAIM REJECTIONS UNDER 35 U.S.C. §103**

The rejection of claims 48, 51, 52, 57, 59, 60, 75-79 and 81-84 under 35 U.S.C. §103(a) as being unpatentable over Brown '263 in view of Fletcher et al. '257 (hereafter Fletcher) has been obviated by amendment and should be withdrawn.

The rejection of claims 48, 50-52, 54-56, 60, 62, 64, 65, 67-69 and 73 under 35 U.S.C. §103(a) as being unpatentable over Beckers '974 in view of Brown and Fletcher has been obviated by amendment and should be withdrawn.

The rejection of claims 61 and 74 under 35 U.S.C. §103(a) as being unpatentable over Beckers in view of Brown, Fletcher and Hutchens ("The News Tribune", June 25, 1994) has been obviated by amendment and should be withdrawn.

The rejection of claim 61 under 35 U.S.C. §103(a) as being unpatentable over Brown in view of Fletcher and Hutchens has been obviated by amendment and should be withdrawn.

The rejection of claim 77 under 35 U.S.C. §103(a) as being unpatentable over Brown in view of Fletcher and Hutchens has been obviated by amendment and should be withdrawn.

The rejection of claims 78 and 83 under 35 U.S.C. §103(a) as being unpatentable over Beckers in view of Brown in view of Fletcher, Hutchens and Nunziata ("Billboard", October 31, 1992) has been obviated by amendment and should be withdrawn.

It is respectfully submitted that each of claims, as amended, is allowable over the combination of Brown and Fletcher, because this combination of references does not teach or suggest each and every element of any of these amended claims. Specifically, claim 48 now requires as amended:

A blood glucose monitoring system for monitoring a blood glucose level and for providing health-related information comprising:

- (a) a display device including a display screen which displays the blood glucose level as measured;

- (b) an audio speaker;

- (c) a processor configured to provide audio and visual signals to the audio speaker and display device respectively;

- (d) at least one built-in memory including read-only digital memory (ROM) or writeable digital memory (RAM), or both, having stored therein operation data and operation software routines for:

- (i) controlling the blood glucose monitoring system;

(ii) comparing the blood glucose level as measured with stored measurements representative of normative blood glucose levels; and

(iii) based on the comparing, guiding a user through additional measurements, storing particular information for later retrieval or downloading, recommending a certain action be taken by the user, asking questions of the user, giving advice as to diet or exercise habits of the user, performing one or more further processing functions in response to the comparing, or combinations thereof;

(e) at least one physiological data monitor configured to (i) provide a measurement signal representative of a physiological parameter of the user and (ii) operate while being physically separated from the processor and outside a housing containing the processor;

(f) an interface coupled between the processor and the physiological data monitor to at least isolate electrically the physiological data monitor from the processor, wherein the electrically isolating interface is neither entirely disposed within the housing containing the processor nor any housing containing the physiological data monitor; and

(g) a program controller configured to:  
(i) receive an input from the user;  
(ii) enable the user to (1) make selections and (2) control one or more user functions of the blood glucose monitoring system;

(iii) provide detailed information to the user based upon (1) operations of the program controller as controlled by the user, (2) predetermined software routines and (3) the operation data stored within the blood glucose monitoring system; and

(iv) provide a control signal to the processor based upon the input, thereby to cause the health related information to be

provided to the user based upon the measurement signal representative of the blood glucose level and the control signal,

(h) wherein the physiological parameter includes the blood glucose level and the physiological data monitor includes a blood glucose indicator.

No combination of Brown and Fletcher teaches or suggests all of these features. Claims 51, 52, 57, 59, 60, 75-79 and 81-84 are allowable for substantially the same reason as amended claim 48. As such, the presently claimed invention is fully patentable over the cited references and the rejection should be withdrawn.

It is respectfully submitted that each of claims 48, 50-52, 54-56, 60, 62, 64, 65, 67-69 and 73, as amended, is allowable over the combination of Beckers, Brown and Fletcher, because this combination of references does not teach or suggest each and every element of any of these amended claims. Specifically, claim 62 now requires as amended:

A method for monitoring a physiological condition and for providing health-related information with a system, the method comprising:

(a) using at least one physiological data monitor to provide a measurement signal representative of a user physiological parameter;

(b) providing a processor to produce audio and visual signals for reproduction at an audio speaker and a display screen, respectively, and (i) providing the processor within a housing, (ii) operating the processor while being physically separated from the physiological data monitor, and (iii) the physiological data monitor being disposed outside the housing containing the processor;

(c) electrically isolating the processor and the physiological data monitor, wherein the electrical isolating occurs neither entirely within the housing containing the processor nor any housing containing the physiological data monitor;

(d) using a program controller to:

(i) receive an input from the user; and  
(ii) provide one or more controller signals to the processor based upon the input from the user;

(e) in response to and based upon (i) the measurement signal representative of the user physiological parameter and (ii) the input from the user, having the processor cause the visual and audio signals of the health related information to be presented to the user,

(f) wherein the user physiological parameter includes a blood glucose level and the physiological data monitor includes a blood glucose indicator;

(g) providing, in a memory coupled to the processor, the memory including read-only digital memory (ROM) or writeable digital memory (RAM), or both, the blood glucose level and operation software routines for:

(i) controlling the system;  
(ii) comparing the blood glucose level as measured with stored measurements representative of normative blood glucose levels; and

(iii) based on the comparing, guiding the user through additional measurements, storing particular information for later retrieval or downloading, recommending a certain action be taken by the user, giving advice as the diet or exercise habits of the user, performing one or more further processing functions in response to the comparing, or combinations thereof; and

(h) further using the program controller (i) for enabling the user (1) to make selections and (2) to control one or more user functions of the system and (ii) for providing detailed information to the user based upon (1) operations of the program controller as controlled by the user and (2) predetermined software routines and (3) data stored within the system.

No combination of Beckers, Brown and Fletcher teaches or suggests all of these features. Claims 48, 50-52, 54-56, 60, 64, 65,

67-69 and 73 are allowable for substantially the same reason as amended claim 62. As such, the presently claimed invention is fully patentable over the cited references and the rejection should be withdrawn.

Claims 50, 52, 55-57, 59-61, 64, 65, 68-74, 76-79 and 82-84 depend, either directly or indirectly, from claims 48, 51, 62, 75, and 81, which are now believed to be allowable. As such, the dependent claims are fully patentable over the cited references and the rejections should be withdrawn.

Newly presented claims 96-115 depend, either directly or indirectly, from claims 48, 51, 62, 75, and 81, which are now believed to be allowable. As such, the new claims are fully patentable over the cited references and should be allowed.

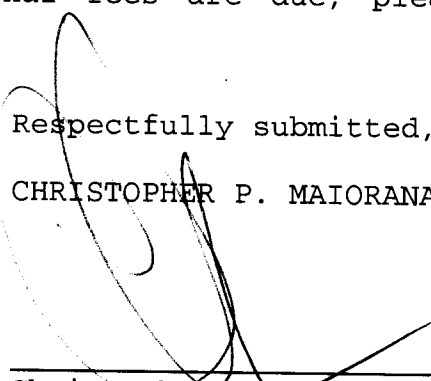
Accordingly, the present application is in condition for allowance. Early and favorable action by the Examiner is respectfully solicited.

The Examiner is respectfully invited to call the Applicant's representative at 586-498-0670 should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge Deposit Account No. 50-0541.

Respectfully submitted,

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